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23 UNITED STATES DISTRICT COURT

24 NORTHERN DISTRICT OF CALIFORNIA

25 SAN FRANCISCO DIVISION

26 NATIONAL TPS ALLIANCE, *et. al.*,

27 Case No. 3:25-cv-1766-EMC

28 Plaintiff,

v.

29 KRISTI NOEM, in her official capacity as
30 Secretary of Homeland Security, *et. al.*,

Judge: Hon. Edward M. Chen

31 Defendants.

32 DECLARATION OF KEVIN MARBY

1 I, Kevin Marbray, based upon my personal knowledge and information made known to me in the
2 course of my official employment hereby declare, to the best of my knowledge, information, and belief,
3 as follows relating to the above-captioned matter:

4 1. I am employed with the U.S. Department of Homeland Security (“DHS”), as the Network
5 Operations Security Branch (NOSC) Data Acquisition Manager within the Office of the Chief
6 Information Officer (“OCIO”). I am a member of the DHS NOSC Cyber Data Acquisitions team
7 responsible for the retrieval of data from DHS personnel accounts for litigation purposes. I have held
8 this position since March 2015.

9 2. I am aware of the Court’s order dated July 1, 2025, Dkt. No. 237, ordering a declaration
10 from Defendants “detailing the searches conducted for Secretary Noem, Corey Lewandowski, and
11 Secretary Noem’s Executive Secretary’s custodial files, as well as the volume of data recovered, and hits
12 for each search.”

13 3. As detailed in my Declaration dated May 27, 2025, pursuant to this Court’s orders, I had
14 previously conducted searches and pulled documents for Secretary Noem and Corey Lewandowski.
15 After conducting those searches, I conducted a deduplication process, whereby using eDiscovery
16 technology, I identified and removed duplicate documents before transferring the dataset to the
17 Department of Justice (“DOJ”). I understand that DOJ then loaded the documents on to Relativity and
18 created a custodian’s ‘hit count’ list of documents, registering which documents belonged to which
19 custodian. However, since I had conducted the deduplication process prior to sending the documents to
20 DOJ, I understand that for certain custodians, the hit count was lower than what it would have been had
21 I not performed the deduplication process.

22 4. Out of an abundance of caution, following the Court’s June 24, 2025 Order, Dkt. No.
23 220, I conducted searches and pulled documents *again* for Secretary Noem and Corey Lewandowski. I
24 also conducted searches and pulled documents for the Acting Executive Secretary at the relevant time,

1 Juliana Blackwell.

2 5. OCIO uses a standard “OCIO Data Request Form” for all users to request data pulls. On
3 June 24, 2025 at approximately 12:07 pm, I received a completed data request form from the Office of
4 General Counsel (OGC) for *National TPS Alliance v. Noem*, Case No. 25-cv-01766-EMC (N.D. Cal.),
5 asking me to search:

- 6 a. all emails, calendars, One Drive Folders—which is the cloud equivalent of a hard drive
7 search—and Teams Chats,
- 8 b. for each of the following DHS HQ custodians: Corey Lewandowski;
- 9 c. that hit on the following search terms (the “Venezuela Search Terms”) and were dated
10 between Jan. 20, 2025 and Feb. 5, 2025:
 - 11 i. [“Temporary Protected Status” or “TPS” or 1254a] AND [Venezuela]
 - 12 ii. [“Temporary Protected Status” or “TPS” or 1254a] AND [“Tren de Aragua” or
13 “Tren de Agua” or TdA]
 - 14 iii. [“Temporary Protected Status” or “TPS” or 1254a] AND [vacat*]; and
- 15 d. that hit on the following search terms (the “Haiti Search Term”) and were dated between
16 Jan. 20, 2025 and Feb. 24, 2025:
 - 17 i. [“Temporary Protected Status” or “TPS” or 1254a] AND [Haiti].

18 6. On June 25, 2025, at approximately 9:33 am, I received an identical OCIO Data Request
19 Form requesting all of the above data for the following custodian: Juliana Blackwell. At approximately
20 12:16 p.m., I received a revised OCIO Data Request Form, adding Secretary Noem as a custodian.

21 7. I ran the searches and retrieved approximately 175 MB of data for Corey Lewandowski,
22 540 MB of data for Juliana Blackwell and 3 MB of data for Secretary Noem. I did not run the
23 deduplication program on any of these searches. I understand that another member of our team
24 transferred the data to DOJ via the Justice Enterprise File Sharing (“JEFS”) system on June 25, 2025 at
25

1 approximately 3:53 pm.

2 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and
3 correct to the best of my knowledge.
4

5 Executed on: 7 July 2025

6 KEVIN A
7 MARBRAY

Digitally signed by
KEVIN A MARBRAY
Date: 2025.07.07
12:44:35 -04'00'

8 Kevin Marbray
9 Network Operations Security Branch
10 Data Acquisition Manager, Office of
11 the Chief Information Officer,
12 Department of Homeland Security
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